

HOUSE BILL 1091

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2004 Regular Session
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By: **Delegates Goldwater, Bobo, Bronrott, Brown, Dumais, Eckardt, Frush,
Holmes, Jones, Kaiser, Krysiak, Lee, Madaleno, Mandel, McIntosh,
Menes, Moe, Pendergrass, and Rosenberg**

Introduced and read first time: February 13, 2004

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations - State Board of Examiners in Optometry - Scope of**
3 **Practice**

4 FOR the purpose of prohibiting certain optometrists from managing open-angle
5 glaucoma unless that optometrist obtains a certain certification; requiring
6 certain optometrists to attend a certain number of hours of continuing education
7 on a certain topic; requiring a certain number of hours of continuing education
8 to be counted toward the total number of required hours of continuing
9 education; requiring certain optometrists to complete a certain course;
10 exempting certain optometrists from certain requirements; authorizing certain
11 optometrists to administer or prescribe certain pharmaceutical agents;
12 repealing a requirement that certain optometrists make a certain referral to an
13 ophthalmologist; requiring certain optometrists to consult with an
14 ophthalmologist under certain circumstances; requiring certain optometrists to
15 provide certain tests or photos to a certain ophthalmologist under certain
16 circumstances; limiting certain prescriptions to certain dosages; requiring
17 certain optometrists to refer certain patients to an ophthalmologist or a certain
18 physician; authorizing certain optometrists to order certain laboratory tests;
19 requiring the State Board of Examiners in Optometry to approve certain
20 continuing education courses; requiring the Board to grant a waiver of certain
21 requirements under this Act to certain individuals until a certain date; requiring
22 the Board to certify certain optometrists; and generally relating to the State
23 Board of Examiners in Optometry.

24 BY adding to
25 Article - Health Occupations
26 Section 11-309(b)(5)
27 Annotated Code of Maryland
28 (2000 Replacement Volume and 2003 Supplement)

29 BY repealing and reenacting, with amendments,
30 Article - Health Occupations

1 Section 11-404.1 and 11-404.2
2 Annotated Code of Maryland
3 (2000 Replacement Volume and 2003 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article - Health Occupations**

7 11-309.

8 (b) (5) (I) IN EACH LICENSING PERIOD, A THERAPEUTICALLY CERTIFIED
9 OPTOMETRIST SHALL ATTEND AT LEAST 6 HOURS OF CONTINUING EDUCATION ON
10 THE MANAGEMENT OF PRIMARY OPEN-ANGLE GLAUCOMA.

11 (II) THE 6 HOURS OF CONTINUING EDUCATION REQUIRED UNDER
12 SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE COUNTED TOWARD THE TOTAL
13 NUMBER OF REQUIRED HOURS OF CONTINUING EDUCATION IN A LICENSING
14 PERIOD.

15 11-404.1.

16 (a) Unless certified under this section, a licensed optometrist may not
17 MANAGE OPEN-ANGLE GLAUCOMA, administer or prescribe any therapeutic
18 pharmaceutical agents, or remove superficial foreign bodies from a human eye,
19 adnexa, or lacrimal system.

20 (b) (1) Except as provided in paragraph (2) of this subsection, the Board
21 shall certify a licensed optometrist as a therapeutically certified optometrist if the
22 licensed optometrist submits to the Board evidence satisfactory to the Board that the
23 licensed optometrist:

24 (i) Has successfully completed at least 110 hours of a therapeutic
25 pharmaceutical agents course approved by the Board;

26 (ii) Has successfully passed a pharmacology examination relating
27 to the treatment and management of ocular disease, which is prepared, administered,
28 and graded by the National Board of Examiners in Optometry or any other nationally
29 recognized optometric organization as approved by the Secretary; [and]

30 (iii) Is currently certified by the Board to administer topical ocular
31 diagnostic pharmaceutical agents under § 11-404 of this subtitle; AND

32 (IV) HAS SUCCESSFULLY COMPLETED A 24-HOUR COURSE IN THE
33 MANAGEMENT OF OPEN-ANGLE GLAUCOMA, ORAL AND TOPICAL PHARMACEUTICAL
34 AGENTS, AND FOREIGN BODY REMOVAL THROUGH THE USE OF AN ALGER BRUSH
35 APPROVED BY THE BOARD.

36 (2) (i) Except as provided in subparagraph (ii) of this paragraph, an
37 optometrist who has graduated on or after July 1, [1992] 2004 from an accredited

1 school of optometry recognized by the Board is not subject to the requirements of
2 paragraph (1) of this subsection.

3 (ii) If an optometrist who has graduated on or after July 1, [1992]
4 2004 from an accredited school of optometry recognized by the Board is not certified
5 under this section within 3 years of graduation, the optometrist shall successfully
6 complete a therapeutic pharmaceutical agents course and successfully pass a
7 pharmacology exam under paragraph (1) of this subsection before the Board may
8 certify the optometrist.

9 11-404.2.

10 (a) In this section, "refer" means that a therapeutically certified optometrist:

11 (1) Informs the patient that the patient should see an ophthalmologist
12 and give the ophthalmologist an opportunity to physically examine the patient; and

13 (2) Refrains from rendering further treatment for the specific condition
14 that is the basis for the referral until the patient has been physically examined by an
15 ophthalmologist.

16 (b) (1) A therapeutically certified optometrist may administer and prescribe
17 topical therapeutic pharmaceutical agents limited to:

18 (i) Ocular antihistamines, decongestants, and combinations
19 thereof[, excluding steroids];

20 (II) OCULAR ANTIVIRAL AGENTS;

21 [(ii)] (III) Ocular antiallergy pharmaceutical agents;

22 [(iii)] (IV) Ocular antibiotics and combinations of ocular antibiotics,
23 excluding specially formulated or fortified antibiotics;

24 [(iv)] (V) Anti-inflammatory agents[, excluding steroids];

25 [(v)] (VI) Ocular lubricants and artificial tears;

26 [(vi)] (VII) Tropicamide;

27 [(vii)] (VIII) Homatropine;

28 [(viii)] (IX) Nonprescription drugs that are commercially available;
29 and

30 [(ix)] (X) Primary open-angle glaucoma medications, in accordance
31 with subsection (c) of this section.

32 (2) If a therapeutically certified optometrist administers or prescribes a
33 topical therapeutic pharmaceutical agent listed in paragraph (1)(i) through

1 [(vii)](VIII) of this subsection, and the patient does not have the expected response
2 within 72 hours:

3 (i) The therapeutically certified optometrist shall consult with an
4 ophthalmologist; and

5 (ii) The ophthalmologist may determine that the ophthalmologist
6 needs to physically examine the patient.

7 (3) If a therapeutically certified optometrist administers or prescribes a
8 topical therapeutic pharmaceutical agent under paragraph (2) of this subsection, the
9 therapeutically certified optometrist shall communicate with the patient to determine
10 the response of the patient to the therapeutic pharmaceutical agent as soon as
11 practicable after 72 hours of the time the agent was administered or prescribed.

12 (4) A therapeutically certified optometrist may not administer or
13 prescribe:

14 [(i) Steroids;

15 (ii) Antiviral agents;

16 (iii)] (I) Antifungal agents;

17 [(iv)] (II) Antimetabolite agents; or

18 [(v)] (III) Antiparasitic agents.

19 (5) A therapeutically certified optometrist may dispense a topical
20 therapeutic pharmaceutical agent listed in paragraph (1) of this subsection only if:

21 (i) No charge is imposed for the therapeutic pharmaceutical agent
22 or for dispensing the agent; and

23 (ii) The amount dispensed does not exceed a 72-hour supply, except
24 that if the minimum available quantity for dispensing is greater than a 72-hour
25 supply, the minimum available quantity may be dispensed.

26 (c) (1) A therapeutically certified optometrist may administer and prescribe
27 topical therapeutic pharmaceutical agents for glaucoma only:

28 (i) For patients with primary open-angle glaucoma; AND

29 (ii) After the optometrist [refers the patient to an ophthalmologist;
30 and

31 (iii) After the ophthalmologist and optometrist jointly and promptly
32 develop a written individualized treatment plan that is signed by the ophthalmologist
33 and optometrist and includes:

34 1. All tests and examinations that led to the diagnosis;

1 (II) ORAL ANTIHISTAMINES OR DECONGESTANTS; AND

2 (III) ORAL CLASS III ANALGESICS.

3 (2) [(i) A therapeutically certified optometrist may administer and
4 prescribe oral tetracycline and its derivatives only for the diagnosis and treatment of
5 meibomitis and seborrheic blepharitis.

6 (ii)] If a therapeutically certified optometrist administers or
7 prescribes oral [tetracycline or its derivatives] PHARMACEUTICAL AGENTS to a
8 patient [in accordance with subparagraph (i) of this paragraph]:

9 (I) THE PRESCRIPTION FOR AN ANTIBIOTIC, ORAL
10 ANTIHISTAMINE, OR DECONGESTANT FOR ANY ONE PATIENT FOR EACH TREATMENT
11 MAY NOT EXCEED THE DAY LIMIT RECOMMENDED DOSAGE OF THE MANUFACTURER,
12 THE PHYSICIAN'S DESK REFERENCE, OR A NATIONALLY RECOGNIZED DRUG
13 COMPENDIUM;

14 (II) THE PRESCRIPTION FOR AN ORAL CLASS III ANALGESIC FOR
15 ANY ONE PATIENT FOR EACH TREATMENT MAY NOT EXCEED A 36-HOUR AMOUNT OF
16 MEDICATION; and

17 (III) IF the patient does not improve within 3 weeks of treatment, the
18 optometrist shall refer the patient to an ophthalmologist OR TO THE PATIENT'S
19 PRIMARY CARE PHYSICIAN.

20 (3) A therapeutically certified optometrist may administer or prescribe
21 nonprescription drugs that are commercially available.

22 (e) (1) Except as provided in paragraph (2) of this subsection, a
23 therapeutically certified optometrist may not perform any procedure on the eyelid of
24 a patient.

25 (2) A therapeutically certified optometrist may epilate with forceps an
26 eyelash from the eyelid, adnexa, or lacrimal system of a patient.

27 (f) A therapeutically certified optometrist may remove superficial foreign
28 bodies from the human eye only if:

29 (1) The foreign body may be removed with a cotton-tipped applicator,
30 ALGER BRUSH, or blunt spatula; and

31 (2) The foreign body has not penetrated beyond the Bowman's membrane
32 of the cornea and is not within 2.5 millimeters of the visual axis.

33 (g) (1) [Except as provided in paragraph (2) of this subsection, a] A
34 therapeutically certified optometrist may [not] order laboratory tests for a patient
35 THAT ARE NECESSARY TO ADHERE TO THE STANDARDS FOR THE ADMINISTRATION
36 OF PHARMACEUTICAL AGENTS PRESCRIBED IN ACCORDANCE WITH THIS SECTION.

1 (2) A therapeutically certified optometrist may order a conjunctival
2 culture.

3 (h) A therapeutically certified optometrist may not provide any therapeutic
4 treatment listed in this section for a child under the age of 1 year.

5 (i) Unless the standard of care requires an earlier referral, if a therapeutically
6 certified optometrist diagnoses a corneal ulcer or infiltrate, and the patient does not
7 have the expected response within 48 hours, the optometrist immediately shall refer
8 the patient to an ophthalmologist.

9 (j) A therapeutically certified optometrist shall be held to the same standard
10 of care as an ophthalmologist who is licensed under Title 14 of this article and who is
11 providing similar services.

12 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1,
13 2004, the State Board of Examiners in Optometry shall approve at least one
14 continuing education course for a therapeutically certified optometrist administered
15 by the Maryland Optometric Association in conjunction with the Maryland Eye
16 Surgeons and Physicians on:

17 (1) the management of primary open-angle glaucoma;

18 (2) the use and management of pharmaceutical agents; and

19 (3) the removal of superficial foreign bodies from the human eye,
20 adnexa, or lacrimal system.

21 SECTION 3. AND BE IT FURTHER ENACTED, That the State Board of
22 Examiners in Optometry shall grant a waiver of the certification requirements of §
23 11-404.1 of the Health Occupations Article to any individual who is currently a
24 therapeutically certified optometrist until July 1, 2005.

25 SECTION 4. AND BE IT FURTHER ENACTED, That the State Board of
26 Examiners in Optometry shall certify a licensed optometrist as a therapeutically
27 certified optometrist prior to the license renewal date if the optometrist completes the
28 requirements of § 11-404.1 of the Health Occupations Article, as enacted by this Act,
29 prior to the license renewal date.

30 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 July 1, 2004.